

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY BROWN,

Plaintiff,

CASE NUMBER: 07-15418

HONORABLE VICTORIA A. ROBERTS

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

On February 13, 2009, Magistrate Judge Michael Hluchaniuk submitted a Report and Recommendation (Doc. #14) recommending that the Court: (1) DENY Plaintiff's Motion for Summary Judgment (Doc. #10); (2) DENY Defendant's Motion for Summary Judgment (Doc. #12); and (3) GRANT Plaintiff's motion to, in the alternative, remand the matter to the Administrative Law Judge ("ALJ").

Because the Court has not received objections from either party within the time frame provided for in 28 U.S.C. §636(b)(1) and E.D. Mich. R. 72.1(d)(2), the Court will adopt the Magistrate Judge's Report and Recommendation. The Court, therefore, **DENIES** both parties' Motions for Summary Judgment and **REMANDS** this matter to the ALJ for further consideration. On remand, the ALJ must incorporate all of Plaintiff's limitations, including his "moderate" limitations in concentration, persistence and pace, into any hypothetical to the vocational expert.

IT IS ORDERED.

s/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: March 9, 2009

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on March 9, 2009.

s/Linda Vertriest

Deputy Clerk